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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/801,385

03/15/2004

Francois Chausset

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EXAMINER

WEBB, TIFFANY LOUISE

ART UNIT

PAPER NUMBER

3616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/08/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/801,385	<b>Applicant(s)</b> CHAUSSET, FRANCOIS	
	<b>Examiner</b> Tiffany L. Webb	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 9/6/06, 12/13/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11 and 13-21 is/are rejected.
- 7) ☒ Claim(s) 5, 12 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

The examiner acknowledges receipt of amendments submitted on 9/6/2006 and 12/13/2006.

***Response to Arguments***

1. Applicant's arguments, see pages 7-8, filed 9/6/2006, with respect to objections to the drawings, specification and claims, and rejections of the claims under 35 U.S.C. 112 have been fully considered and are persuasive. The objections and rejections of the claims, drawings, and specification have been withdrawn.
2. Applicant's arguments filed 9/6/2006 have been fully considered but they are not persuasive. The applicant argues that Bowers et al. does not have guide straps extending from the body to any part of the interior trim panel when the airbag is in standby. Looking at Figure 2 of Bowers et al., Bowers et al. shows a tether strap (70) that in the standby position of the airbag is connected to the trim area. Per the claims, the guide strap extends from the body (lower portion in Figure 1 of Bowers et al.) to the interior trim panel (also see Figure 1 of Bowers et al.) in the standby position for the airbag. The current application very vaguely discloses and does not show the straps attached to the trim panel in any other way than is shown in Bowers et al. The applicant also argues that Bowers et al. fails to disclose the problem solved by the present invention. This argument is moot because the strap in Bowers et al. will still perform the same function as the straps in the present invention even if Bowers et al. does not disclose solving the same problem.

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3. In response to applicant's argument that the straps would not perform the same function in Bowers et al. as the present application, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Bowers et al. teaches that tethers are used on the side curtain airbag to help resist movement of the curtain away from the side structure of the vehicle when the curtain is inflated. Therefore it would have been obvious to one having ordinary skill in the art to have put the straps of Bowers et al. on Kutchev et al. to help resist movement of the curtain during deployment.

#### ***Claim Objections***

5. Claims 4 and 11 are objected to because of the following informalities: both claims have been amended to state "in standby position," the examiner

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suggests changing to "in the standby position" to better clarify. Appropriate correction is required.

### ***Drawings***

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the guide strap extending from the body to the rear pillar panel when the airbag is in standby must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 20 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not describe the interior trim panels attached to the body and including a rear pillar panel and a roof liner separating the body from the interior. Further, it does not disclose the means for separating the rear pillar panel include the roof liner which is movable by inflation of the airbag and being adjoined to the rear pillar panel.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 is unclear in lines 5-7 as to how the guide strap can extend from the body to the rear pillar, and also have the first end attached to the body and

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the opposite end attached to the airbag. The examiner suggests clarifying to how the strap can be attached to three different parts of the vehicle.

***Claim Rejections - 35 USC § 103***

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claims 1-4, 6-11, 13-14, and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kutchev et al. (US 6,364,349) in view of Bowers et al. (US 6,299,199). Regarding claims 1 and 20-21, Kutchev et al. discloses having a motor vehicle including: a body (16); interior trim panels (144 and 150); a means of inflating the airbag (22). Kutchev et al. fails to disclose having guide straps extending from the body to the interior trim and connected to the airbag. Bowers et al. discloses having a side curtain air bag (14) having at least one guide strap (70 and 72) attached to the interior trim and the other end attached to the air bag. It would have been obvious to one of ordinary skill in the art at the time of the invention to put tethers or straps on the airbag system of Kutchev et al. in view of Bowers et al. in order to provide better protection for the vehicle occupant during side collisions or rollover accidents by helping restrain the airbag from moving away from the side body of the vehicle. Regarding claim 2, Kutchev et al. discloses having a floating ramp (100) attached to the interior trim, the airbag pushing the floating ramp from the standby position to a deployed position (see Figure 5). Regarding claim 3, Kutchev et al. discloses having a floating ramp including a means of stopping the travel of the ramp (see Figure 5).

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Regarding claims 4 and 11, Kutchey et al. discloses having a fixed ramp (120) attached to the body and having a first locking device (96) and the floating ramp having a second locking device (106), the first and second locking devices act to keep the floating ramp in the standby position until the pressure from the airbag exceeds a certain limit. Regarding claim 6, Kutchey et al. discloses having a first panel (150) and a second panel (140) next to the first panel, the airbag pushes the second panel away from the body and therefore pushes the first panel to create an opening for the airbag to go through (see Figure 5). Regarding claim 7, Kutchey et al. discloses the floating ramp having an upper side with faces the airbag (122). Regarding claim 8, Kutchey et al. discloses the upper side of the floating ramp is defined by an inner edge and the first panel having an upper edge which is parallel to the inner edge and the second panel having a lower edge fitted between the inner edge and the upper edge (see Figures 4 and 5). Regarding claims 9, 13, and 14, Kutchey et al. discloses a first panel including at least one locking tab (106), which snaps into a lock opening on the floating ramp. Regarding claims 10, 16, 17, 18, and 19, Kutchey et al. discloses having a second locking device having a locking tab (90 and 106), and the first locking device being a corresponding lock opening in which snaps the locking tab when the floating ramp is in the standby position (see Figures 4 and 6).

***Allowable Subject Matter***

13. Claims 5, 12, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany L. Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

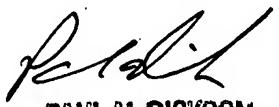
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tiffany L Webb  
Examiner  
Art Unit 3616

tlw

 3/5/07  
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